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LETTER DATED 30 JUNE 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 26 June 1999 addressed to you by Mr. Saadoon Hammadi, President of the National Assembly of Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

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Annex

Letter dated 26 June 1999 from the President of the National Assembly of Iraq addressed to the Secretary-General

The National Assembly of Iraq, in the light of the completion of phase V of the implementation of the Memorandum of Understanding (the "oil-for-food" programme) and the adoption on 20 May 1999 of Security Council resolution 1242 (1999) approving the continuation of the humanitarian programme for phase VI as a temporary measure until the implementation of article 22 of Council resolution 687 (1991) lifting economic sanctions against Iraq, has the honour to send you this letter containing factual information and statistical data summarizing the results attained during the past two years and the problems encountered and deliberate acts of sabotage perpetrated in order to undermine the objectives set forth in the Memorandum.

The aggression of the thirty, the subsequent acts of hostility and the continued imposition of sanctions against Iraq since 6 August 1990 have adversely affected every aspect of life in Iraq, leading to destruction, devastation, the deterioration of living conditions and public health, severe shortages of essential civilian and humanitarian supplies, environmental pollution, and setbacks in the educational, cultural and social arenas.

The humanitarian programme (the "oil-for-food" and medicines programme) as represented by the Memorandum of Understanding signed by Iraq and the United Nations on 30 May 1996 has been stripped of all substance by the deliberate efforts on the part of the United States and United Kingdom Administrations to delay and sabotage the Agreement.

The sanctions have caused the deaths of some 1,110,282 citizens owing to serious illness and a shortage of medicines. A further 10,700,000 people are suffering from malnutrition, as per capita calorie intake has fallen from 3,581 calories a day before the sanctions to the current level of 2,033 calories a day. The average protein intake has also fallen from 102 grams a day to 46.

Some 50 per cent of Iraq's drinking water is now polluted, while industrial and chemical wastes have polluted springs and streams. The Security Council Committee established by resolution 661 (1990) has obstructed the import of chlorine needed for water purification and of pesticides and other materials needed for the maintenance of a clean human environment, resulting in a catastrophic deterioration in the public health situation.

During phase V of the Memorandum of Understanding, the electricity sector received only 20 per cent of the $488,470,000 that had been allocated to it.

During phases I to V, the Security Council Committee established by resolution 661 (1990) rejected 44 contract applications and placed a further 180 on hold. Only 50 per cent of the $300 million allocated for the maintenance of oil installations was received because Iraq was able to export only sufficient quantities of its oil to raise the amount of $3,619 billion, as compared with the target amount of $5,256 billion that had been decided for phase V.

A representative of the Food and Agriculture Organization of the United Nations (FAO) described the achievements of the Memorandum of Understanding in the agricultural sphere as "a drop in the ocean".

With the imposition of sanctions, the Ministry of Agriculture has striven to make up for the shortage of foodstuffs in the ration card by supporting agricultural production through a policy of seed price and agricultural production subsidies. Activities such as ploughing, sowing and harvesting have been affected by the impact of the sanctions on agricultural machinery, owing to the age of the machinery, the lack of spare parts and the fact that agricultural harvesters and tractors are not being imported. Likewise, lack of access to modern technology such as seeding machines and pesticide sprinklers has led to a fall in production and a 15 per cent increase in crop failure.

Imports of pesticides used to combat infestations, insects, fungal infections and date palm disease cover only between 10 and 15 per cent of the quantities required. New epidemics such as scale insects on crops, citrus leaf borers, date palm wilt and swarms of rodents have appeared, and there has been a resurgence of suna pests, various forms of rust and locusts. Moreover, because of the lack of pesticides, there has been a 50 per cent decline in the number of beehives. Crop-spraying from the air has been affected by aircraft obsolescence, which has resulted in the death of three pilots. The air exclusion zones in the north and the south have made it impossible to combat agricultural and horticultural pests from the air.

Self-sufficiency in livestock in respect of sheep, goats, cows and buffaloes had been achieved and an integrated poultry industry had been established in 1989, but the livestock was adversely affected when the fodder and veterinary medicine works ceased production. The Al-Kindi Company was bombed and the foot-and-mouth disease laboratories were destroyed in 1996 by the Special Commission. This led to new outbreaks of disease such as haemorrhagic fever, foot-and-mouth disease, Malta fever, bovine tuberculosis and oedema, and to a deterioration in veterinary services.

FAO statistics show the following per capita rates of consumption of animal products:

| Item | Unit | 1990 | 1997 |
|---|---|---|---|
| Milk | Kilograms per year | 15 | 3 |
| Red meat | Kilograms per year | 13 | 2 |
| Poultry | Kilograms per year | 125 | 1.5 |
| Fish | Kilograms per year | 3.5 | 1 |
| Eggs | Eggs per year | 85 | 10 |
| Animal protein | Grams per day | 18 | 2 |

The number of farms producing poultry for slaughter fell from 8,000 to 1,300.

The destruction of electric power stations had an impact on crop irrigation because the pumps, or the irrigation stations and substations, were brought to a stop thereby affecting the efficiency of both summer and winter agriculture. Similarly, the bombing of fertilizer works deprived the country of 60 per cent of its annual requirement for fertilizers of various types, resulting in a decline in productivity. The shortage of spare parts for seed sorting works, and the fact that new works were not built, adversely affected seed selection and brought about a deterioration in their genetic characteristics, causing a 30 per cent fall in output.

In the field of trade, Iraq used to import commodities and other requirements to a value of $16 billion a year and the Iraqi economy was deprived of $120 billion during the years of the sanctions. The per capita amount of food received by Iraqis under the rationing system fell to 18.4 kilograms per month, which was 73 per cent less than the amount received before sanctions. Moreover, the number of commodities fell from 25 to only 8 and the purchasing power of Iraqi citizens fell as a result of the decline in the real value of the Iraqi dinar, the sharp rise in prices and the shortage of goods and services coupled with rising demand.

Under the terms of the Memorandum of Understanding, the approval of contracts is very time-consuming, especially when such contracts have to do with equipment for the oil, electricity, water or purification sectors, or supplies for the food industry. The Security Council Committee established by resolution 661 (1990) approves such contracts in a selective manner without taking account of the priorities of the sectors covered by the Memorandum, and the granting of credits takes time.

The embargo has also led to distortions in price structures and the levels at which they are stabilized, since they reached their highest level in December 1995, when the dollar was worth 2,662 dinars, as compared with 38 dinars in August 1990.

The embargo has also resulted in a marked deterioration of the situation with regard to food and medicines, in spite of food rationing because, quantitatively and qualitatively, the ration cards cover only a small portion of the population's daily needs; this has led to a deterioration in the population's standard of living and health, particularly insofar as children and the elderly are concerned. The "oil-for-food" and medicines programme was designed to accomplish this and did so in order to achieve political objectives under the guise of humanitarian assistance.

In the area of health, Iraq has received medicines and medical supplies and equipment valued at $575.3 million, out of the anticipated 1.29 billion dinars, which renders the Memorandum completely ineffective owing to the selectivity with which the Security Council Committee deals with contracts, some of which are put on hold in order to prevent Iraq from benefiting from concluded contracts. For example, major surgical operations, which numbered 8,668 a month in 1990, decreased to 4,322 in 1998, a decline of 71.4 per cent. The number of occupied hospital beds has decreased by 30 per cent. The situation of drinking-water supply facilities has worsened, as has the quality of the water and the state of water-purification stations. Sewage overflows in certain residential

areas, where household and other waste accumulate because they are collected less often. Air pollution is increasing because of gas emissions from antiquated vehicles that use low-grade fuel. The plans for increasing green belts and combating desertification have been halted, and industrial pollution is on the rise. The use of impoverished uranium by the coalition forces in 1991, particularly in the southern regions of Iraq, has resulted in an increase in the incidence of cancer, miscarriages, birth defects and nervous and muscular disorders.

Per capita expenditure on health in 1998 was $0.26, as compared with $8.25 in 1990. In 1990, an amount of $500 million had been allocated for the import of medicines and other medical supplies, and there was a strategic reserve of these supplies valued at $1.5 billion.

The rates of implementation of the Memorandum of Understanding are as follows:

| | |
|---|---|
| Phase I: | 84.59 per cent |
| Phase II: | 88.38 per cent |
| Phase III: | 86.22 per cent |
| Phase IV: | 46.31 per cent |

The embargo has had repercussions on medical services and equipment, an area in which $5 billion would be required for maintenance and spare parts.

In the irrigation sector, phase III of the implementation of the Memorandum of Understanding provided for $499,000 for the import of bore heads for drilling artesian wells. During phase IV, 11 contracts valued at $22,747,459 were approved for the overhaul of machinery and purchase of spare parts. During phase V, the Security Council Committee approved contracts totalling $23,109,949 for the repair of equipment and for various other items. Thus, for a total allocation of $90 million, only 27 out of 60 contracts were approved because of the obstacles posed by the representatives of the United States of America and the United Kingdom.

The embargo has prevented the implementation of the plan for maintaining water-management projects and supplying sufficient water for agriculture. Many major projects - dams, land reclamation and so forth - have been disrupted; the area of cultivated land has not increased and yield per dunum has decreased.

In the social sphere, family income is declining owing to the rising cost of goods and services. In 1998, 1.4 billion dinars were allocated to 52,000 families, not including the autonomous zone. The health of beneficiaries of social services - children, orphans, the handicapped, the elderly and so on - has deteriorated, and there has been a marked reduction of the food ration for children. The embargo has led to an increase in the number of broken families and disabled persons, the emergence of child labour, and an increase in juvenile delinquency, begging, fraud, feigned disabilities and other phenomena. Training centres suffer from a lack of teaching materials, with the result that they were

attended by only 242 students in 1998, as compared with 1,073 in 1990. Moreover, learning establishments cannot keep up with the latest developments in the teaching and training of the disabled and institutionalized persons. There has also been an increase in crime, including juvenile delinquency, and theft, so that the number of people in correctional institutions in 1998 was 2.17 times greater than in 1990.

Because most projects have been halted in whole or in part, there are only 17,500 economic projects, as compared with 59,413 in 1990, so that a part of the labour force has turned to marginal non-productive projects. In the education sector, out of the total requirements for education, amounting to $109,730,000, provided for in the Memorandum of Understanding, only $30,311,469 have been made available, for an implementation rate of 28 per cent. The implementation rate for phase IV was only 3.8 per cent, and nothing at all for phase V. The Security Council Committee established by resolution 661 (1990) has put on hold the approval of a contract concerning school laboratories, another concerning computers and a third dealing with vocational education equipment.

For this reason, and because of the maintenance of the embargo, only 92.5 per cent of school-age children were enrolled in 1997-1998, as compared with 98 per cent before the embargo, leading to a corresponding increase in the number of illiterates. In 1998-1999, the total number of pupils and students enrolled in all levels of education was 5,756,463, with 1,297,567 outside the educational system.

School buildings have seriously deteriorated, both with respect to repairs and upkeep. Some 5,132 new schools will have to be built and 8,613 others will have to be repaired. The number of school dropouts for the year 1997-1998 was 112,061 in basic education. Moreover, 26,394 teachers and other persons employed in education left the field, and the presses and other workshops of the Ministry of Education have shut down, entailing a loss of 1,957,092,000 dinars. Resources are also needed for 2 million school excursions, 15,000 micro-computers, 22,000 tons of paper and 600 means of transport of various types, 1,000 laboratories of various kinds and other teaching aids.

The embargo has resulted in a decline in students' morals and their will to learn and in parental supervision, as well as a decline in apprenticeship to various trades. Food shortages interfere with pupils' ability to retain and assimilate. Moreover, the health environment in schools is deteriorating, leading to a rise in contagious diseases.

In the oil sector, the embargo has had the effect of impeding efforts to attain the 5 August 1990 level of crude oil production (3,250,000 barrels a day); of causing an increased number of breakdowns of drilling and maintenance equipment, as a result of a shortage of spare parts and the difficulty of maintaining such equipment; and of reducing production, storage and flow capacity for the same reasons. Moreover, any possibility of attaining the 4 million barrels-per-day mark has been negated since civil engineering enterprises have refused to work in the oilfields, and, owing to a lack of resources, there have been no discoveries of new fields by seismic or drilling survey teams. The embargo has had other effects: a deterioration in the quality of petroleum derivatives (petrol, lubricants and so on) and problems in

improving quality; environmental pollution from the processing of the by-products of drilling for oil (mud, crude petroleum and so forth); seepage from and corrosion of pipelines; escape of gas stored in tanks as a result of a shortage of valves; and halting of ongoing projects to develop such products as unleaded petrol and long-life lubricants, owing to a lack of the necessary resources.

The situation has meant that the implementation of strategic five-year and long-term production plans has fallen behind schedule, with the following consequences: lack of coordination between projects to develop surface installations and the drilling of new wells; deterioration of storage tanks for crude oil and its derivatives; emergence of problems relating to marketing, transport and exporting; constraints on studies and surveys, in particular seismic surveys, for the location of petroleum deposits; flight of hard-to-replace technicians with specialized knowledge and long experience; and problems with the development of the system of information, communication, documentation and programming owing to a lack of computers and communication equipment.

The Memorandum of Understanding has been extended five times, on each occasion for a further period of six months, and the maximum authorized level of oil sales has been increased to $5.2 billion for phases IV and V. In addition, it has been agreed, in accordance with the Memorandum, to implement the purchase and distribution plans provided for under the five phases. The Iraqi Government has striven to respect the provisions of the Memorandum, it being understood that it is a provisional and exceptional measure aimed at alleviating the suffering of the Iraqi people as a result of the embargo. Iraq has cooperated fully with United Nations bodies to determine needs in the sectors covered by the purchase and distribution plan for each phase, in the hope that the supplies needed can be imported within the time-frame established for each phase. However the representatives of the United States of America and of the United Kingdom on the Security Council Committee established by resolution 661 (1990) are obstructing, delaying and suspending implementation of purchase contracts on the basis of groundless pretexts. Added to that are the considerable delays in the finance offices of the United Nations Secretariat, as well as at the bank managing the Iraq Account in New York (BNP), which takes time to transfer funds to the Ministry of Trade, responsible for procuring the foods indicated on ration cards, and to the Ministry of Health, which must send medicine to the three northern governorates, hence the overdrafts for the central and southern governorates on the Iraq Account. All these obstacles and bureaucratic practices are preventing the establishment of an effective mechanism for meeting the humanitarian needs of the Iraqi people. Implementation of a small part of the purchase plans, maintenance of the embargo, daily bombings in the no-flight zones in the north and south of the country, violation of Iraqi airspace, attempts to undermine the unity, sovereignty, independence and security of the country, interference in the internal affairs of Iraq, the use of force in an attempt to overthrow the independent Government in Iraq and military operations conducted unilaterally without Security Council authorization all constitute aggression within the meaning of General Assembly resolution 3314 (XXIX) of 14 December 1974, for which the Governments of the United States of America and of the United Kingdom must assume full responsibility. Further, Iraq has the right, in accordance with the provisions of the Charter of the United Nations

and the norms of international law, to continue to oppose by all means the acts of aggression committed by the United States and the United Kingdom, since the Security Council has failed to exercise its authority and has not assumed the responsibilities conferred upon it by the Charter through its failure to adopt any resolution on the aggression of which Iraq has been a victim since 17 December 1998, having acted as a mere observer of the illegal and illegitimate bombings suffered in the two no-flight zones. All of Iraq's rights are preserved in international law, including the principle of international responsibility, by virtue of which the United States and the United Kingdom have full international responsibility for the above acts, both criminal (crimes against peace) and civil (compensation for material, human and moral injury).

It should be noted that the grave violations of international humanitarian law committed by the coalition forces, led by Washington, have elicited no response from the Security Council, which, under the sway of United States hegemony, is applying two sets of rules. The Security Council is obliged to respect fundamental human rights and humanitarian values. The fact remains, however, that the embargo, which continues to cause widespread suffering among Iraq's civilian population, including children, women and the elderly, is motivated by political considerations that are unrelated to Iraq's compliance with the relevant resolutions of the Security Council.

In his report dated 18 May 1999 (S/1999/573), the Secretary-General indicated that the proceeds from the sale of Iraqi oil during the five most recent phases amounted to more than $10.960 billion. The sum of $3.269 billion, or the maximum amount provided of 30 per cent, was paid into the Compensation Fund, pursuant to paragraph 2 of Council resolution 705 (1991). This is arbitrary and unjust, since such payments are supposed to be made only after the complete lifting of the embargo. In addition, the amount of $125.4 million was set aside to cover the expenses of the Compensation Commission, $230 million for United Nations administrative and operating expenses and $78 million for the United Nations Special Commission for the Disarmament of Iraq.

Most of the reports issued by the specialized agencies of the United Nations indicate that proceeds from the oil sales provided for in the Memorandum of Understanding are not enough to meet the humanitarian needs of the Iraqi people and that, consequently, the "oil-for-food" and medicines programme will not achieve its objective, which is to significantly alleviate the grave suffering being caused by the embargo that was imposed nine years ago.

The sanctions regime, which is based entirely on the resolutions of the Security Council, is now being used to commit genocide as defined by General Assembly resolution 96 (I) of 1946. In its report, the body established by the Security Council on 30 January 1999 described the humanitarian situation in Iraq as catastrophic and dangerous. It added that, whatever improvements it might be possible to make in the implementation of the humanitarian programme, Iraq's needs are so great that they cannot be satisfied within the framework of the mechanism put in place by Council resolution 986 (1995). The report noted, lastly, that the objective of the above-mentioned programme is not to satisfy the needs of the Iraqi people.

In the light of these incontrovertible and objective facts, the embargo must be lifted immediately without new conditions being imposed, especially since Iraq has fulfilled the legal obligations set out in the relevant Security Council resolutions. For its part, the Council must honour its commitments by implementing forthwith paragraph 22 of Council resolution 687 (1991), since any denial of the rights of Iraq and any new restriction would be unjustifiable and a violation of the Charter of the United Nations and of international law.

We hope that this letter will encourage you to pursue your efforts to have this unjust embargo lifted and to put an end to the spiral of death, hunger and disease that is destroying the people of Iraq, who have played an important role in the history of mankind.

Accept, Sir, the assurances of my highest consideration.

(Signed) Saadoon HAMMADI
President of the National Assembly of Iraq

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